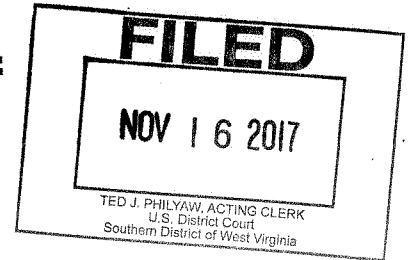


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON GRAND JURY 2016-2
NOVEMBER 14, 2017 SESSION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:17-00200
33 U.S.C. § 1311(a)
33 U.S.C. § 1319(c) (2) (A)

MICHAEL BLANKENSHIP

I N D I C T M E N T

The Grand Jury Charges:

BACKGROUND

At all relevant times to this Indictment:

1. The Federal Water Pollution Control Act, Title 33, United States Code, Section 1251 et. seq. (hereinafter referred to as the "Clean Water Act"), was enacted by Congress to restore and maintain the integrity of the nation's waters. The Clean Water Act, and the regulations promulgated pursuant thereto, prohibits the discharge of any pollutant from a point source into the waters of the United States without a permit.

2. Little Huff Creek was a "water of the United States," that is, it was a perennial stream and that Little Huff Creek discharged into the Guyandotte River at a point where the Guyandotte River was a "traditionally navigable water."

3. Defendant MICHAEL BLANKENSHIP, individually, and doing business as Hanover Contracting Company, LLC, was engaged in the business of cleaning portable toilets, hauling domestic sewage, and disposing of the sewage in the state of West Virginia. To accomplish this collection and disposal, defendant MICHAEL BLANKENSHIP used two sewage-hauling vehicles with an approximate capacity of 400 and 800 gallons, respectively.

4. On or about February 6, 2015 and continuing through May 9, 2016, defendant MICHAEL BLANKENSHIP collected sewage and portable toilet waste in a sewage-hauling vehicle, and discharged the sewage and portable toilet waste from a sewage-hauling vehicle through a hose into Little Huff Creek.

5. Defendant MICHAEL BLANKENSHIP did not have a permit to discharge untreated sewage, portable toilet waste, or any other pollutant into any water of the United States, including Little Huff Creek.

CLEAN WATER ACT VIOLATIONS

6. On or about the dates listed below for each count, at or near Hanover, Wyoming County, West Virginia, within the Southern District of West Virginia and elsewhere, defendant MICHAEL BLANKENSHIP did knowingly discharge, and cause to be discharged, pollutants, that is, untreated sewage and portable toilet waste, from a point source into Little Huff Creek, a water of the United

States, without a permit issued pursuant to the Clean Water Act for said discharge:

Count 1	February 6, 2015
Count 2	March 4, 2015
Count 3	March 15, 2015
Count 4	April 14, 2015
Count 5	May 19, 2015
Count 6	May 31, 2015
Count 7	June 22, 2015
Count 8	September 23, 2015
Count 9	September 29, 2015
Count 10	April 11, 2016
Count 11	May 9, 2016

In violation of Title 33, United States Code, Sections 1311(a) and 1319(c) (2) (A) .

UNITED STATES OF AMERICA

CAROL A. CASTO
United States Attorney

By: Erik S. Goes
ERIK S. GOES
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